

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH MORREALE and MICHELLE MORREALE,

07 CIV. 3581 (MGC) (KNF)

Plaintiffs,

ANSWER

-against-

Assigned to:
Judge Miriam Goldman
Cedarbaum

MT. SINAI HOSPITAL, DAVID H. ADAMS, M.D.,
ANELECHI CHINEDU ANYANWU, M.D.,
JEFFREY PAUL GUMPRECHT, M.D., "JOHN"
PLOTKIND, M.D., and JOHN DOES, Nos. 1-5,

Defendants.
-----X

Defendants, THE MOUNT SINAI HOSPITAL, s/h/a MT. SINAI HOSPITAL, DAVID H. ADAMS, M.D., and ANELECHI CHINEDU ANYANWU, M.D., by their attorneys, WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP, hereby answer the Verified Complaint as follows:

PARTIES

1. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "1" of the Verified Complaint.
2. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "2" of the Verified Complaint.
3. Admit the truth of the allegations contained in Paragraph "3" of the Verified Complaint.
4. Admit the truth of the allegations contained in Paragraph "4" of the Verified Complaint.
5. Deny the allegations contained in Paragraph "5" of the Verified Complaint in the form alleged except admit that JOSEPH MORREALE was a patient.

6. Deny the allegations contained in Paragraph “6” of the Verified Complaint in the form alleged except admit that JOSEPH MORREALE was a patient.

7. Admit the truth of the allegations contained in Paragraph “7” of the Verified Complaint.

8. Admit the truth of the allegations contained in Paragraph “8” of the Verified Complaint.

9. Deny the allegations contained in Paragraph “9” of the Verified Complaint in the form alleged except admit that JOSEPH MORREALE was a patient.

10. Deny the allegations contained in Paragraph “10” of the Verified Complaint in the form alleged except admit that DAVID H. ADAMS, M.D. was and is an attending physician at THE MOUNT SINAI HOSPITAL with admitting privileges.

11. Deny the allegations contained in Paragraph “11” of the Verified Complaint in the form alleged except admit that DAVID H. ADAMS, M.D. was and is an employee of MOUNT SINAI SCHOOL OF MEDICINE OF NEW YORK UNIVERSITY.

12. Admit the truth of the allegations contained in Paragraph “12” of the Verified Complaint.

13. Admit the truth of the allegations contained in Paragraph “13” of the Verified Complaint.

14. Deny the allegations contained in Paragraph “14” of the Verified Complaint in the form alleged except admit that JOSEPH MORREALE was a patient.

15. Deny the allegations contained in Paragraph “15” of the Verified Complaint in the form alleged except admit that ANELECHI CHINEDU ANYANWU, M.D. was and is an attending physician at THE MOUNT SINAI HOSPITAL with admitting privileges.

16. Deny the allegations contained in Paragraph "16" of the Verified Complaint in the form alleged except admit that ANELECHI CHINEDU ANYANWU, M.D. was and is an employee of MOUNT SINAI SCHOOL OF MEDICINE OF NEW YORK UNIVERSITY.

17. Admit the truth of the allegations contained in Paragraph "17" of the Verified Complaint.

18. Admit the truth of the allegations contained in Paragraph "18" of the Verified Complaint.

19. Deny the allegations contained in Paragraph "5" of the Verified Complaint in the form alleged except admit that JOSEPH MORREALE was a patient.

20. Deny the allegations contained in Paragraph "20" of the Verified Complaint.

21. Deny the allegations contained in Paragraph "21" of the Verified Complaint in the form alleged except admit that JEFFREY PAUL GUMPRECHT, M.D. was and is an attending physician at THE MOUNT SINAI HOSPITAL with admitting privileges.

22. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "22" of the Verified Complaint.

23. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "23" of the Verified Complaint.

24. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "24" of the Verified Complaint.

25. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "25" of the Verified Complaint.

26. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "26" of the Verified Complaint.

27. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "27" of the Verified Complaint.

28. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "28" of the Verified Complaint.

29. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "29" of the Verified Complaint.

30. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "30" of the Verified Complaint.

31. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "31" of the Verified Complaint.

JURISDICTION

32. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "32" of the Verified Complaint.

33. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "33" of the Verified Complaint.

VENUE

34. Admit the truth of the allegations contained in Paragraph "34" of the Verified Complaint.

JURY DEMAND

35. Admit the truth of the allegations contained in Paragraph "35" of the Verified Complaint.

FIRST CAUSE OF ACTION

36. Defendants repeat and reallege each and every allegation set forth within Paragraphs “1” through “36” of the Verified Answer as if set forth fully herein.

37. Deny the allegations contained in Paragraph “37” of the Verified Complaint in the form alleged except admit that JOSEPH MORREALE was a patient.

38. Deny the allegations contained in Paragraph “38” of the Verified Complaint in the form alleged except admit that JOSEPH MORREALE was a patient.

39. Deny the allegations contained in Paragraph “39” of the Verified Complaint in the form alleged except admit that JOSEPH MORREALE was a patient.

40. Deny the allegations contained in Paragraph “40” of the Verified Complaint in the form alleged except admit that THE MOUNT SINAI HOSPITAL provided services incident to its function as a hospital.

41. Deny the allegations contained in Paragraph “41” in the form alleged except admit that medical services were provided by DAVID H. ADAMS, M.D., ANALECHI CHINEDU ANYANWU, M.D., and JEFFREY PAUL GUMPRECHT, M.D.

42. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph “42” of the Verified Complaint.

43. Deny the allegations contained in Paragraph “43” of the Verified Complaint.

44. Deny the allegations contained in Paragraph “44” of the Verified Complaint.

45. Deny the allegations contained in Paragraph “45” of the Verified Complaint.

46. Deny the allegations contained in Paragraph “46” of the Verified Complaint.

47. Deny the allegations contained in Paragraph “47” of the Verified Complaint.

48. Deny the allegations contained in Paragraph “48” of the Verified Complaint.

- 49. Deny the allegations contained in Paragraph "49" of the Verified Complaint.
- 50. Deny the allegations contained in Paragraph "50" of the Verified Complaint.
- 51. Deny the allegations contained in Paragraph "51" of the Verified Complaint.
- 52. Deny the allegations contained in Paragraph "52" of the Verified Complaint.

SECOND CAUSE OF ACTION

53. Defendants repeat and reallege each and every allegation set forth within Paragraphs "1" through "53" of the Verified Answer as if set forth fully herein.

54. Deny possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "54" of the Verified Complaint.

55. Deny the allegations contained in Paragraph "55" of the Verified Complaint.

56. Deny the allegations contained in Paragraph "56" of the Verified Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

19. Pursuant to CPLR Article 16, the liability, if any, of the answering defendant, for non-economic loss shall not exceed its equitable shares of liability.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

20. Plaintiffs have failed to comply with CPLR §3012-a in that they have failed to serve a certificate of merit and, as such, their complaint should be dismissed.

WHEREFORE, defendants THE MOUNT SINAI HOSPITAL, s/h/a MT. SINAI HOSPITAL, DAVID H. ADAMS, M.D., and ANELECHI CHINEDU ANYANWU, M.D. demand judgment dismissing plaintiff's Verified Complaint with the costs and disbursements of this action.

Dated: New York, New York
June 22, 2007

Yours, etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By:

MICHAEL STEVENS (9623)
Attorneys for Defendants
THE MOUNT SINAI HOSPITAL, s/h/a
MT. SINAI HOSPITAL, DAVID H.
ADAMS, M.D., and ANELECHI
CHINEDU ANYANWU, M.D.
150 East 42nd Street
New York, New York 10017-5639
(212) 490-3000
File No. 22930.00925


TO: JOSEPH LANNI, P.C.
Attorneys for Plaintiffs
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

CERTIFICATE OF SERVICE

I, Michael N. Stevens, hereby certify that I electronically filed the attached *Answer for Mount Sinai Hospital, David H. Adams, M.D. and Anelechi Anyanwu, M.D.* on behalf of defendants with the Clerk of the Court using CM/ECF system which will send notification of such filing(s) electronically to the following:

Joseph Lanni, P.C.

Dated: October 26, 2007

A handwritten signature in black ink, appearing to read "Michael Stevens", written over a horizontal line.

Michael N. Stevens (MS 9623)